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Attorney for Defendant
FRANCISCO CARBAJAL ALVIDREZ

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

IT IS HEREBY STIPULATED by and between FRANCISCO CARBAJAL ALVIDREZ, Defendant, by and through his counsel THOMAS F. PITARO, ESQ, Defendant, by and through his counsel and the United States of America, SUSAN CUSHMAN, Assistant United States Attorney, that Sentencing in the above-captioned matter currently scheduled for June 8, 2017 at the hour of 2:00 p.m., vacated and continued for next week, or to a date and time to be set by this Honorable Court.

This Stipulation is entered into for the following reasons:

1. Counsel has a family emergency and needs to accompany his wife at the hospital.
2. Defendant is in custody. Counsel for defendant has spoken with his client he has no objection to this continuance.

3. Counsel understands that his presence is required to appear before the Court since he is the attorney of record.
4. Counsel has spoken to Assistant United States Attorney Susan Cushman and she has no opposition to the continuance.
5. Denial for this request for continuance would deny the parties herein time and the opportunity within which to effectively and thoroughly research and prepare for trial in this case, taking into account the exercise of due diligence and continuity of counsel.
6. Additionally, denial of this request for continuance would result in a miscarriage of justice.
7. For all the above-stated reasons, the ends of justice would best be served by a continuance of the sentencing date.
8. This is the first request for a continuance of the trial date in this case.

DATED: June 7, 2017

PITARO & FUMO, CHTD.

DANIEL G BOGDEN
UNITED STATES ATTORNEY

THOMAS F. PITARO, ESQ.
601 LAS VEGAS BOULEVARD, SOUTH
LAS VEGAS, NEVADA 89101
ATTORNEY FOR DEFENDANT

/s/
SUSAN CUSHMAN, ESQ.
ASSISTANT UNITED STATES ATTORNEYS
501 LAS VEGAS BOULEVARD SOUTH. #1100
LAS VEGAS, NEVADA 89101

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA
4 * * *

5
6 UNITED STATES OF AMERICA,) 2:15-CR-00118-KJD-VCF
7)
8 Plaintiff,)
9)
10 v.)
11 FRANCISCO CARBAJAL ALVIDREZ,)
12)
13 Defendant.)
14)
15

16 FINDINGS OF FACT

17 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
18 Court finds:

19 This Stipulation is entered into for the following reasons:

20 1. Counsel has a family emergency and needs to accompany his wife at the hospital.
21 2. Defendant is in custody. Counsel for defendant has spoken with his client he has no
22 objection to this continuance.
23 3. Counsel understands that his presence is required to appear before the Court since he
24 is the attorney of record.
25 4. Counsel has spoken to Assistant United States Attorney Susan Cushman and she has
26 no opposition to the continuance.
27 5. Denial for this request for continuance would deny the parties herein time and the
28 opportunity within which to effectively and thoroughly research and prepare for trial
 in this case, taking into account the exercise of due diligence and continuity of
 counsel.

6. Additionally, denial of this request for continuance would result in a miscarriage of justice.
7. For all the above-stated reasons, the ends of justice would best be served by a continuance of the sentencing date.
8. This is the first request for a continuance of the trial date in this case.

CONCLUSIONS OF LAW

The end of justice served by granting said continuance outweigh the best interest of the public and defendants in a speedy trial since the failure to grant said continuance would likely result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for sentencing taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18 U.S.C. 3161(h)(7) (A), considering the factors under title 18 U.S.C. 3161 (h)(7)(B)(i) and 3161 (h)(7)(B)(iv).

1

2 **ORDER**

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4 **IT IS ORDERED** that Sentencing currently scheduled for June 8, 2017 at the hour of
5 2:00 p.m., be vacated and continued to this 21st day of June, 2017, at
6 the hour of 11:00 a.m. in Courtroom 7D.

7

8 DATED this 7th of June, 2017.

9 

10 RICHARD F. BOULWARE, II
11 UNITED STATES DISTRICT JUDGE